

PELINDUNGAN HUKUM BAGI ISTRI TERHADAP PEMENUHAN HUTANG BERSAMA YANG MENJADI KEWAJIBAN SUAMI

INTISARI

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Tujuan dari penelitian ini untuk mengetahui dan menganalisis perlindungan hukum bagi istri terhadap pemenuhan hutang bersama yang menjadi kewajiban suami yang dilatar belakangi oleh Putusan Pengadilan Agama Depok dengan Nomor: 1264/Pdt.G/2020/Pa.Dpk.

Metode penelitian yang digunakan adalah penelitian yuridis normatif, dengan menggunakan pendekatan Konseptual (*conceptual approach*) dan pendekatan peraturan Perundang-Undangan (*statute approach*). Data yang telah terkumpul selanjutnya dianalisis secara kualitatif.

Berdasarkan hasil penelitian dapat disimpulkan bahwa bentuk perlindungan hukum bagi istri terhadap pemenuhan hutang bersama terdapat dua bentuk. Pertama perlindungan terhadap harta bawaan. Sesuai dengan Pasal 87 ayat (1) KHI, jika harta bawaan istri dijadikan jaminan pelunasan hutang bersama, maka jaminan tersebut tetap menjadi harta bawaan istri dan istri berhak sepenuhnya untuk melakukan perbuatan hukum atas hartanya tersebut. Bahwa secara perlindungan terhadap harta bawaan istri yang menjadi jaminan hutang bersama akan tetap kembali menjadi milik dari penguasaan istri itu sendiri. Kedua, bentuk perlindungan terhadap istri atas perihal penyelesaian hutang yakni, diawali dengan berdasar pada Putusan pengadilan Agama Depok dengan Nomor: 1264/PDT.G/2020/PA.Dpk yang sudah berkekuatan hukum tetap dan mempunyai sifat eksekutorial karena mengandung putusan *condemnatoir*. Suami wajib melaksanakan putusan tersebut secara sukarela. Apabila dalam ini tidak terselesaikan maka istri dapat melakukan upaya hukum berupa gugatan Perbuatan Melawan Hukum (PMH) yang nanti bentuk penyelesaiannya dapat berupa ganti rugi.

Kata Kunci : Perlindungan Hukum, Harta Bawaan, Hutang Bersama

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**JURIDICAL ANALYSIS OF LEGAL PROTECTION FOR WIVES
REGARDING THE FULFILLMENT OF JOINT DEBT WHICH ARE THE
HUSBAND'S OBLIGATIONS
ABSTRACT**

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The purpose of this research is to find out and analyze legal protection for wives in fulfilling joint debts which are the husband's obligations, Depok Religious Court Decision Number: 1264/Pdt.G/2020/Pa.Dpk.

The research method used is normative juridical research, using a conceptual approach (conceptual approach) and the legislative regulatory approach (statute approach), the data that has been collected is then analyzed qualitatively.

Based on the research results, it can be concluded that there are two forms of legal protection for wives to fulfill joint debts. Firstly, protection of inherited assets. In accordance with Article 87 Paragraph (1) of the KHI, if the wife's inherited assets are used as collateral for the repayment of joint debts, then the collateral remains the wife's inherited assets and the wife has full rights to take legal actions regarding these assets. That with the protection of the wife's assets as collateral as mentioned above, they will remain the property of the wife's own control. Second, the form of protection for the wife regarding debt settlement, namely, starting with the decision of the Depok Religious Court with Number: 1264/PDT.G/2020/PA.Dpk which has permanent legal force and has an executorial nature because it contains a decision waveform. The husband is obliged to carry out the decision voluntarily. Furthermore, the wife has further legal protection in the form of a request for confiscation of execution for objects belonging to the husband that have an economic nature. This execution confiscates the assets owned or discovered by the husband at the time of the marriage, these assets can be in the form of inherited assets and part of joint assets at the time of the divorce. When in this is not resolved eat carry out legal action in the form of a lawsuit against the law (PMH) which will later be resolved in the form of compensation

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Keywords : Legal Protection, Inherited Assets, Joint Debts

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